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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Valentino Dimitrov,

10 Plaintiff,

11 v.

12 Stavatti Aerospace Limited, et al.,

13 Defendants.  
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No. CV-23-00226-PHX-DJH

**ORDER**

15 There are twenty named Defendants<sup>1</sup> in this case and the deadline for service was  
16 May 3, 2023. Fed. R. Civ. P. 4(m) (a plaintiff must serve the defendant within ninety  
17 days after the complaint is filed). On May 4, 2023, Plaintiff Valentino Dimitrov  
18 (“Plaintiff”) filed a Motion to Extend Time for Service of Process (Doc. 14). The record  
19 shows Plaintiff has successfully served the following seven Defendants:

- 20 - John Simon;  
21 - Stavatti Niagara, Ltd, a New York corporation;  
22 - Stavatti Aerospace, Ltd, a Wyoming corporation;  
23 - Stavatti Heavy Industries Ltd, a Hawaii corporation;  
24 - Stavatti Immobiliare, Ltd, a Wyoming corporation;  
25 - Stavatti Industries, Ltd, a Wyoming corporation;  
26 - Stavatti Super Fulcrum, Ltd, a Wyoming corporation.  
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<sup>1</sup> One named Defendant encompasses Unknown Parties named as Does 1-10, inclusive.

1 (Doc. 7). Plaintiff now seeks an extension “for service upon all Defendants that have yet  
2 to be served in this matter.” (Doc. 14 at 2).

3 Federal Rule of Civil Procedure 4 provides if a plaintiff shows good cause for  
4 failing to serve a defendant within the time limit, “the court must extend the time for  
5 service for an appropriate period.” Fed. R. Civ. P. 4(m). Plaintiff here says he seeks an  
6 extension to serve the remaining Defendants because they are “evading service” by  
7 “moving away from their commonly known locations.” (Doc. 14 at 2–3). Plaintiff  
8 further claims that some of the unserved Defendants “have reached out to Plaintiff’s  
9 counsel asking they be dismissed from the lawsuit—they have not offered to file an  
10 answer.” (*Id.* at 2). He contends that this communication indicates the Defendants have  
11 actual notice of this lawsuit. Plaintiff thus seeks a ninety-day extension of the service  
12 deadline. (*Id.*)

13 There are multiple deficiencies in Plaintiff’s Motion. First, Plaintiff does not  
14 explain how an extension, if granted, would help accomplish service. Plaintiff does not  
15 identify how he seeks to effectuate service or propose an alternative method of service  
16 (e.g., by email, certified mail, publication). Second, Plaintiff makes no mention as to  
17 Defendants Stavatti Corporation, a Minnesota corporation; Stavatti Ukraine, a Ukrainian  
18 business entity; Christopher Beskar; William Mcewen and Patricia Mcewen, husband and  
19 wife; and Unknown Parties named DOES 1 through 10, inclusive. Plaintiff only  
20 identifies Defendants “Stavatti Aerospace, Ltd., [a Minnesota corporation], Brian Colvin,  
21 Corrina Colvin, Jean Simon, Maja Baker, Rudy Chacon, and Jane Doe Chacon” as the  
22 unserved Defendants for which he seeks an extension. (Doc. 14 at 2).

23 Last, of the unserved Defendants, Plaintiff has submitted evidence of attempted  
24 service efforts only with respect to Stavatti Aerospace, Ltd., a Minnesota corporation,  
25 Brian Colvin, and Rudy Chacon. (Docs. 14-1; 14-2; 14-3).<sup>2</sup> Even so, a notice of a  
26 change in location upon a single attempt at service hardly rises to the level of “evading

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28 <sup>2</sup> Plaintiff represents he made one attempt to serve Stavatti Aerospace, Ltd., a Minnesota  
corporation, on February 23, 2023; one attempt to serve Brian Colvin on February 25,  
2023; and one attempt to serve Rudy Chacon on February 27, 2023.

1 service” as argued by Plaintiff.


2 Given that Plaintiff has shown his good faith efforts to serve Defendants Stavatti  
3 Aerospace, Ltd., a Minnesota corporation; Brian Colvin; and Rudy Chacon with no avail,  
4 the Court finds cause to grant Plaintiff a forty-five day extension for service as to those  
5 Defendants. However, the Court is inclined to dismiss, without prejudice: (1) the  
6 Defendants whom Plaintiff has not otherwise identified in his Motion; and (2) the  
7 Defendants whom Plaintiff has not submitted evidence showing his previous attempts of  
8 unsuccessful service.

9 Accordingly,

10 **IT IS HEREBY ORDERED** that Plaintiff Valentino Dimitrov’s Motion to  
11 Extend Time for Service of Process (Doc. 14) is **GRANTED in part**. Plaintiff may have  
12 through July 6, 2023, to serve Defendants Stavatti Aerospace, Ltd., a Minnesota  
13 corporation; Brian Colvin; and Rudy Chacon. Any Defendant that has not been timely  
14 served on July 6, 2023, will be dismissed without prejudice from this action without  
15 further order pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

16 **IT IS FURTHER ORDERED** that **within seven (7) days** of the issuance of this  
17 Order, Plaintiff Valentino Dimitrov shall show cause as to why the Court should not  
18 dismiss the following Defendants from this matter for failure to effect service under  
19 Federal Rule of Civil Procedure 4: Stavatti Corporation, a Minnesota corporation;  
20 Stavatti Ukraine, a Ukrainian business entity; Jean Simon; Christopher Beskar and Maja  
21 Beskar, husband and wife; Corrina Colvin; William Mcewen and Patricia Mcewen,  
22 husband and wife; Jane Doe Chacon, wife; and Unknown Parties named DOES 1 through  
23 10, inclusive.

24 Dated this 22nd day of May, 2023.

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27 Honorable Diane J. Humetewa  
28 United States District Judge